

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

PLAINTIFF

V.

NO. 4:06CR00148 SWW

ARNOLD TURNER

DEFENDANT

ORDER

Defendant has filed a motion to reconsider the order of detention previously entered in this case (docket entry #11) and the United States has responded (docket entry #13).

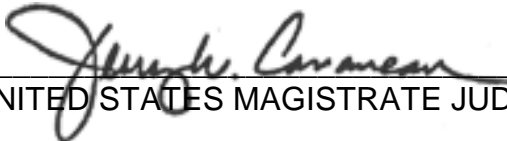
The motion details new information regarding Defendant's circumstances and family. However, the main thrust is the need of his children and mother of his support. While the Court has sympathy for the family members, this does not allay the risk of danger to others and to the community should he be released pending trial.

Defendant proposes that he live with his sixty-seven- year- old mother as third party custodian, perhaps with electronic home monitoring. However, the mother is of rather advanced age and has suffered three strokes. She would not be able to exercise a level of control, even with electronic monitoring, that would give reasonable assurance of safety of the community or other persons. Nor does the fact that Defendant has a girlfriend of fourteen years, who would be willing to look after him and says she would report violations, provide that assurance. The Court simply does not feel she would be in a position to exercise control or to successfully encourage Defendant to abide by terms of release, because she obviously has not been able to do so in the past.

Defendant's extensive criminal history and history of failures to abide by the terms of previous releases on parole or probation, as outlined in the order of detention (docket

entry #7), indicate that he would not abide by any conditions imposed. The circumstances stated and conditions proposed by the current motion do not change that conclusion. The motion (docket entry #11) is denied.

IT IS SO ORDERED this 25th day of May, 2006.


UNITED STATES MAGISTRATE JUDGE